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United States of America

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	Case No. 2:12-cr-00335-MCE
)	
Plaintiff,)	<u>STIPULATION REGARDING</u>
)	<u>EXCLUDABLE TIME PERIODS UNDER</u>
v.)	<u>SPEEDY TRIAL ACT;</u>
)	<u>FINDINGS AND ORDER</u>
RYAN COSTO,)	
)	
Defendant.)	
)	
)	

Plaintiff United States of America, by and through its
counsel of record, and defendant, by and through her counsel of
record, hereby stipulate as follows:

1. Defendant first appeared before Magistrate Judge
Newman, a judicial officer in the court in which this charge is
pending, on September 21, 2012. On that date, this matter was
set for status on October 11, 2012 before Judge England. In
addition, at the request of defendant, for the purpose of
computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et
seq., within which trial must commence, the time period from
September 21 through October 11, 2012, was deemed excludable
pursuant to 18 U.S.C. § 3161(h) (7) (A) and B (iv) [Local Code T4].

1 By previous stipulations, this Court continued the status
2 conference until January 24, 2013, and excluded time between
3 October 11, 2012 and January 24, 2013, under Local Code T4.

4 2. By this stipulation, defendant now moves to continue the
5 status conference until March 14, 2013 and to exclude time
6 between January 24, 2013, and March 14, 2013, under Local Code
7 T4. Plaintiff does not oppose this request.

8 3. The parties agree and stipulate, and request that the
9 court find the following:

10 a. The government has represented that there is voluminous
11 discovery associated with the case. To date, the
12 government has produced approximately 1,669 pages of
13 discovery. Moreover, hundreds of pages of materials
14 obtained via grand jury subpoena have also been made
15 available to the for inspection and copying by the
16 defense.

17 b. Counsel for defendant desires additional time to
18 consult with his client, to review the current charges,
19 to conduct investigation related to the charges, to
20 review and potentially copy discovery for this matter,
21 and to otherwise prepare for trial.

22 c. Counsel for defendant believes that failure to grant
23 the above-requested continuance would deny him the
24 reasonable time necessary for effective preparation,
25 taking into account the exercise of due diligence.

26 d. The government does not object to the continuance.
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1 e. Counsel for defendant has specifically discussed all of
2 the contents of this stipulation with his client and
3 represents that his client concurs with the contents of
4 this stipulation.

5 f. Defendant Ryan Costo has specifically discussed all of
6 the contents of this stipulation with his counsel and
7 represents that he concurs with the contents of this
8 stipulation.

9 g. Based on the above-stated findings, the ends of justice
10 served by continuing the case as requested outweigh the
11 interest of the public and the defendant in a trial
12 within the original dates prescribed by the Speedy
13 Trial Act.

14 h. For the purpose of computing time under the Speedy
15 Trial Act, 18 U.S.C. § 3161, et seq., within which
16 trial must commence, the time period of January 24,
17 2013, to March 14, 2013, inclusive, is deemed
18 excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B (iv)
19 [Local Code T4] because it results from a continuance
20 granted by the judge at defendant's request on the
21 basis of the judge's finding that the ends of justice
22 served by taking such action outweigh the best interest
23 of the public and the defendant in a speedy trial.

24 4. Nothing in this stipulation and order shall preclude a
25 finding that other provisions of the Speedy Trial Act dictate
26 that additional time periods are excludable from the period
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1 within which a trial must commence.

2 IT IS SO STIPULATED.

3 DATED: 15 January 2013.

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5 /s/ Tice-Raskin
6 S. ROBERT TICE-RASKIN
Assistant United States Attorney

7 DATED: 15 January 2013.


8
9 /s/ Bill Portanova
10 WILLIAM PORTANOVA
Counsel for Defendant

11 DATED: 15 January 2013.

12
13 /s/ Ryan Costo
14 RYAN COSTO
Defendant

15
16 O R D E R

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18 Dated: January 23, 2013

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21 MORRISON C. ENGLAND, JR., CHIEF JUDGE
22 UNITED STATES DISTRICT JUDGE
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